

**BOARD OF ENVIRONMENTAL REVIEW  
AGENDA ITEM  
EXECUTIVE SUMMARY FOR RULE ADOPTION**

**AGENDA #II.A.5.**

**AGENDA ITEM SUMMARY** - The department requests that the Board adopt the amendments to the public water supply rules to:

1. Substitute “DEQ” for “WQB” in the names of four Department Circulars (DEQ-1, 2, 3 and 4 for WQB-1, 2, 3 and 4) and reference the current versions of these Circulars;
2. Remove references to an outdated Circular (WQB-5), and;
3. Reference the plan review fee schedule included in ARM 17.36.802 for review of on-site wastewater systems of addressed by Department Circular DEQ-4.
4. Reference the same hourly rate for review of plans for not addressed by Department Circulars as referenced in ARM 17.36.802.

**LIST OF AFFECTED RULES** - ARM 17.38.101 and 17.38.106

**AFFECTED PARTIES SUMMARY** – Owners of proposed on-site public wastewater systems. Examples of facilities that would use a public on-site wastewater system include small subdivisions, mobile home parks, restaurants, taverns, schools and campgrounds.

**SCOPE OF PROPOSED PROCEEDING** - The Department is requesting adoption of rulemaking and hearings examiner’s report with responses to comment.

**BACKGROUND** – The proposed rule revisions would adopt a 2002 version of department Circular DEQ-4 that is concurrently being proposed for adoption by the department into the subdivision rules. This would provide for consistent references to the same version of the circular in all department rules. The proposed revisions also would adopt the same fee schedule that currently exists in the subdivision rules for review of on-site wastewater systems addressed by Circular DEQ-4, and the hourly fee rate for review of water and wastewater systems not addressed by department Circulars.

Finally, the proposed revisions would rename Circulars WQB-1, 2, and 3 to DEQ-1, 2, and 3 in ARM 17.38.106. Those Circulars were renamed in ARM 17.38.101, which concerns standards for plans and specifications for public drinking water and public wastewater systems, in a 1999 rulemaking, but they were inadvertently not renamed in ARM 17.38.106, which sets the fees that the Department charges to review plans and specifications. The proposed amendments would correct the problem

**HEARING INFORMATION** – A hearing was held on November 18, 2002 before hearing examiner Thomas Bowe.

**BOARD OPTIONS** - The Board may:

1. Adopt the rulemaking, hearing officer's report and responses to comment;
2. Adopt the rulemaking and hearing officer's report with modifications; or
3. Not adopt the rulemaking and hearing officer's report.

**DEQ RECOMMENDATION** – The Department recommends adoption of rulemaking and hearing examiner's report.

**ENCLOSURES**

- 1) Notice of Public Hearing on Proposed Amendment
- 2) Hearing Examiner's Report provided with Agenda Item No. II.A.4.
- 3) Draft Notice of Amendment